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gave rise to an inconvenience — the indefiniteness of the former administrative divisions, an indefiniteness which was the occasion of many conflicts in future times. The result is that at the present day it is scarcely admissible in the tracing of definite boundary lines, and a new rule is required for the solution of the boundary questions, which are still awaiting settlement. Arbitration has been recommended. This procedure is at the present day followed, but it must be recognized that more than once it has not worked to the full satisfaction of the parties who have had recourse to it. In order that it may work with success it is necessary that the arbiter take into consideration objective principles of real practical value. It seems to us in this connection that by taking account, in due proportion, of the popular will, of the geographic conditions of the territory, of the economic possibilities, and of the effective sovereignty exercised over them by the states, a rule will be obtained which will be at once in harmony with the demands of modern principles and with the necessities of the New World.

The work of Mr. Barbagelata, which is an important contribution to the study of the question of boundaries, contains other subjects than the rule of *uti possidetis* which it would likewise be interesting to examine. The limits of this short review unfortunately prevent us delaying longer over it.

A. ALVAREZ.

British Rights at Sea under the Declaration of London. By F. E. Bray.
London: P. S. King & Son. 1911. 99 pp. (One shilling.)

This brochure presents in a sane and intelligent manner the effect of the Declaration of London upon British rights during peace and war.

There were certain things the London Naval Conference did not accomplish, in one instance because the matter was not germane to the object of its convening, in others because no common agreement could be reached by the great naval Powers represented.

The first matter was the abolition of the capture of private property at sea. This is a matter advocated officially by the United States, but it was not a question incorporated in the subject-matter of the Conference. It is not probable that it would have received favorable action by the Conference, as all action of the Conference which went towards the formation of the Declaration of London required unanimous consent. It is possible if the matter had been presented by the United States that this country would have been seconded by Italy, Germany, Austria-

Hungary and Holland, and opposed by Great Britain, France, Spain, Japan and Russia. Of course, this would have left the matter as it was left at the Second Hague Conference, when twenty-one states voted with the United States and twenty-two either voted against or abstained from voting by absence or abstention. It may be still said that the nations of the world are in a general way equally divided upon the subject.

Of the subjects brought before the Conference as germane to the subjects of the call, but upon which no decision was reached, the first was "The Question whether Domicile or Nationality should be Accepted as the Test of Enemy Character." This is really a case of little moment, Germany laying the most stress upon it, as it wants always to retain so far as possible the nationality of absent Germans in war or peace.

The second question was that of the conversion of merchantmen into warships on the high seas. This was opposed by the United States and Great Britain as affording opportunities for future Alabamas. It was favored by Germany, whose naval policy seems linked to the distribution of merchantmen in many parts of the world, to enjoy immunity as merchantmen, but secure a ready means of transformation by proceeding upon the high seas and chameleon-like assume the rôle of a commerce destroyer. The want of conclusion as to this matter will permit such conversion for those favoring it as they claimed to do and expected to do before the Conference was called into being.

Mr. Bray, whose connection with the preliminary arrangements for the London Conference, and familiarity with its proceedings, enables him to speak with a knowledge wanting in many articles and pamphlets upon the subject, has given us a very good and clear exposition of the Conference and its resulting Declaration which will be useful not only for the "man in the street," but for many others whose pretence of knowledge is very much greater.

Concerning the accompanying report of the Drafting Committee, duly accepted by the Conference, he says:

It is the recognized Continental practice that such a document should be submitted to and accepted by, the authority which sanctions the law or treaty with which it deals. * * * The object of the report is to explain how a particular phrase or rule came to be adopted, and its existence is a valuable guarantee against an unexpected decision.

It is to be hoped that the work of Mr. Bray, though written for Great Britain, may have a circulation in this country, for although the House

of Lords has rejected the Declaration it will no doubt be resubmitted and it may become the duty of our Department of State to secure a ratification from the Senate on our part as a signatory Power.

C. H. STOCKTON.

The Law of the Air. By Harold D. Hazeltine. London: University of London Press, 1911. vi, 152 pp.

This is a publication of a series of three lectures delivered in the University of London in December, 1910. The author is fellow and law lecturer at Emanuel College, Cambridge. He has performed a valuable service in gathering the material already at hand and digesting it in logical form. Upon this he has superimposed his choice of principles. He lays great stress upon the importance of the controversy whether the state has full sovereignty in the airspace over its territory, and, in the title to his first lecture, characterizes it as the "Fundamental Problem" (pp. 1-54). He unqualifiedly favors the sovereignty theory as opposed to that of total or partial freedom, and maintains that "recognition of each state's full right of sovereignty will not be an obstacle to the proper and legitimate development of aerial navigation, while at the same time it will safeguard state and private rights and interests" (p. 51). Later in the book he again refers to "the first great and fundamental question," whether the sovereignty view shall prevail in international relations (p. 141).

We think that the author has been rather obsessed with the importance of this question. One might very well be inclined to draw away from abstract reasoning on a topic which, at best, is without much historical precedent. It has become deeply controversial, and, after all, does not of itself accomplish much in satisfying the need of a wise regulation of aerial navigation, locally and internationally, when once it has assumed sufficient importance. If maritime law were devoted principally to the discussion of the theory of how far a state could *exclude* the ships of other states from navigating coastal waters and entering ports, it would ill suit the needs of a sea-going commerce.

Dr. Hazeltine's book is, however, scholarly throughout, and shows painstaking reflection. The second lecture (pp. 54-94) deals with the "Principles and Problems of National Law," in which judicial and legislative precedents of England, the United States and the Continent relating to private rights in the airspace are reviewed. The third lecture